

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 823, Page 1, Section A, Line 11,

2 by inserting after all of said line the following:

3 "191.1720. Sections 191.1720 to 191.1740 and section
 4 376.1280 shall be known and may be cited as the "Missouri
 5 Save Adolescents from Experimentation (SAFE) Act".

6 191.1725. For purposes of sections 191.1725 to
 7 191.1740, the following terms mean:

8 (1) "Biological sex", the biological indication of
 9 male or female in the context of reproductive potential or
 10 capacity, such as sex chromosomes, naturally occurring sex
 11 hormones, gonads, and nonambiguous internal and external
 12 genitalia present at birth, without regard to an
 13 individual's psychological, chosen, or subjective experience
 14 of gender;

15 (2) "Cross-sex hormones":

16 (a) Testosterone or other androgens given to
 17 biological sex females in amounts that are larger or more
 18 potent than would normally occur naturally in healthy
 19 biological sex females; and

20 (b) Estrogen given to biological sex males in amounts
 21 that are larger or more potent than would normally occur
 22 naturally in healthy biological sex males;

23 (3) "Gender", the psychological, behavioral, social,
 24 and cultural aspects of being male or female;

25 (4) "Gender reassignment surgery", any medical or
 26 surgical service that seeks to surgically alter or remove

27 healthy physical or anatomical characteristics or features
28 that are typical for the individual's biological sex in
29 order to instill or create physiological or anatomical
30 characteristics that resemble a sex different from the
31 individual's biological sex, including, but not limited to,
32 genital or nongenital gender reassignment surgery performed
33 for the purpose of assisting an individual with a gender
34 transition;

35 (5) "Gender transition", the process in which an
36 individual transitions from identifying with and living as a
37 gender that corresponds to his or her biological sex to
38 identifying and living as a gender different from his or her
39 biological sex, and may involve social, legal, or physical
40 changes;

41 (6) "Gender transition procedures":

42 (a) Any medical or surgical service, including, but
43 not limited to, physician's services, inpatient and
44 outpatient hospital services, or prescribed drugs, related
45 to gender transition that seeks to:

46 a. Alter or remove physical or anatomical
47 characteristics or features that are typical for the
48 individual's biological sex; or

49 b. Instill or create physiological or anatomical
50 characteristics that resemble a sex different from the
51 individual's biological sex, including, but not limited to:

52 (i) Medical services that provide puberty-blocking
53 drugs, cross-sex hormones, or other mechanisms to promote
54 the development of feminizing or masculinizing features in
55 the opposite biological sex; or

56 (ii) Genital or nongenital gender reassignment surgery
57 performed for the purpose of assisting an individual with a
58 gender transition;

59 (b) The term "gender transition procedures" shall not
60 include:

61 a. Services to individuals born with a medically-
62 verifiable disorder of sex development, including, but not
63 limited to, an individual with external biological sex
64 characteristics that are irresolvably ambiguous, such as
65 those born with 46 XX chromosomes with virilization, 46 XY
66 chromosomes with undervirilization, or having both ovarian
67 and testicular tissue;

68 b. Services provided when a physician has otherwise
69 diagnosed an individual with a disorder of sexual
70 development and determined through genetic or biochemical
71 testing that the individual does not have normal sex
72 chromosome structure, sex steroid hormone production, or sex
73 steroid hormone action;

74 c. The treatment of any infection, injury, disease, or
75 disorder that has been caused by or exacerbated by the
76 performance of gender transition procedures regardless of
77 whether the gender transition procedure was performed in
78 accordance with state and federal law or whether funding for
79 the gender transition procedure is permissible under section
80 191.1735; or

81 d. Any procedure undertaken because the individual
82 suffers from a physical disorder, physical injury, or
83 physical illness that would, as certified by a physician,
84 place the individual in imminent danger of death or
85 impairment of a major bodily function unless surgery is
86 performed;

87 (7) "Genital gender reassignment surgery", a medical
88 procedure performed for the purpose of assisting an
89 individual with a gender transition, including, but not
90 limited to:

91 (a) Surgical procedures such as penectomy,
92 orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for
93 biologically male patients or hysterectomy or ovariectomy
94 for biologically female patients;

95 (b) Reconstruction of the fixed part of the urethra
96 with or without a metoidioplasty; or

97 (c) Phalloplasty, vaginectomy, scrotoplasty, or
98 implantation of erection or testicular prostheses for
99 biologically female patients;

100 (8) "Health care provider", an individual who is
101 licensed, certified, or otherwise authorized by the laws of
102 this state to administer health care in the ordinary course
103 of the practice of his or her profession;

104 (9) "Nongenital gender reassignment surgery", medical
105 procedures performed for the purpose of assisting an
106 individual with a gender transition, including, but not
107 limited to:

108 (a) Surgical procedures for biologically male
109 patients, such as augmentation mammoplasty, facial
110 feminization surgery, liposuction, lipofilling, voice
111 surgery, thyroid cartilage reduction, gluteal augmentation,
112 hair reconstruction, or various aesthetic procedures; or

113 (b) Surgical procedures for biologically female
114 patients, such as subcutaneous mastectomy, voice surgery,
115 liposuction, lipofilling, pectoral implants, or various
116 aesthetic procedures;

117 (10) "Physician", an individual who is licensed under
118 chapter 334;

119 (11) "Puberty-blocking drugs", gonadotropin-releasing
120 hormone analogues or other synthetic drugs used in
121 biological sex males to stop luteinizing hormone secretion
122 and therefore testosterone secretion, or synthetic drugs
123 used in biological sex females that stop the production of

124 estrogens and progesterone, when used to delay or suppress
125 pubertal development in children for the purpose of
126 assisting an individual with a gender transition;

127 (12) "Public funds", state, county, or local
128 government moneys, including any such moneys deposited with
129 or derived from any department, agency, or instrumentality
130 authorized or appropriated under state law.

131 191.1730. 1. A physician or other health care
132 provider shall not provide gender transition procedures to
133 any individual under eighteen years of age.

134 2. A physician or other health care provider shall not
135 refer any individual under eighteen years of age to any
136 health care provider for gender transition procedures.

137 3. A physician or other health care provider shall not
138 be prohibited from providing any of the following procedures
139 that are not gender transition procedures to an individual
140 under eighteen years of age:

141 (1) Services to individuals born with a medically
142 verifiable disorder of sex development, including, but not
143 limited to, an individual with external biological sex
144 characteristics that are irresolvably ambiguous, such as
145 those born with 46 XX chromosomes with virilization, 46 XY
146 chromosomes with undervirilization, or having both ovarian
147 and testicular tissue;

148 (2) Services provided when a physician has otherwise
149 diagnosed an individual with a disorder of sexual
150 development and determined through genetic or biochemical
151 testing that the individual does not have normal sex
152 chromosome structure, sex steroid hormone production, or sex
153 steroid hormone action;

154 (3) The treatment of any infection, injury, disease,
155 or disorder that has been caused by or exacerbated by the
156 performance of gender transition procedures, regardless of

157 whether the gender transition procedure was performed in
158 accordance with state and federal law or whether funding for
159 the gender transition procedure is permissible under section
160 191.1735; or

161 (4) Any procedure undertaken because the individual
162 suffers from a physical disorder, physical injury, or
163 physical illness that would, as certified by a physician,
164 place the individual in imminent danger of death or
165 impairment of a major bodily function unless surgery is
166 performed.

167 191.1735. 1. Public funds shall not be directly or
168 indirectly used, granted, paid, or distributed to any
169 individual, entity, or organization that provides gender
170 transition procedures to an individual under eighteen years
171 of age.

172 2. Health care services furnished in the following
173 situations shall not include gender transition procedures to
174 an individual under eighteen years of age:

175 (1) By or in a health care facility owned by the state
176 or a county or local government; or

177 (2) By a physician or other health care provider
178 employed by the state or a county or local government.

179 3. Any amount paid by an individual or an entity
180 during a tax year for the provision of gender transition
181 procedures or as premiums for health care coverage that
182 includes coverage for gender transition procedures shall not
183 be subtracted from the individual's or entity's income for
184 state income tax purposes.

185 4. The MO HealthNet program shall not reimburse or
186 provide coverage for gender transition procedures to an
187 individual under eighteen years of age.

188 191.1740. 1. Any referral for or provision of gender
189 transition procedures to an individual under eighteen years

190 of age is unprofessional conduct and any health care
191 provider doing so shall be subject to discipline by the
192 appropriate licensing entity or disciplinary review board
193 with competent jurisdiction in this state.

194 2. An individual may assert an actual or threatened
195 violation of sections 191.1725 to 191.1740 as a claim or
196 defense in a judicial or administrative proceeding and
197 obtain compensatory damages, injunctive relief, declaratory
198 relief, or any other appropriate relief.

199 3. (1) An individual may bring a claim for a
200 violation of sections 191.1725 to 191.1740 no later than two
201 years after the day the cause of action accrues.

202 (2) An individual under eighteen years of age may
203 bring an action throughout the individual's minority through
204 a parent or next friend and may bring an action in the
205 individual's own name upon reaching the age of eighteen
206 until the age of thirty-eight.

207 4. Notwithstanding any other provision of law to the
208 contrary, an action under sections 191.1725 to 191.1740 may
209 be commenced, and relief may be granted, in a judicial
210 proceeding without regard to whether the individual
211 commencing the action has sought or exhausted available
212 administrative remedies.

213 5. In any action or proceeding to enforce a provision
214 of sections 191.1725 to 191.1740, a prevailing party who
215 establishes a violation of sections 191.1725 to 191.1740
216 shall recover reasonable attorney's fees.

217 6. (1) The attorney general may bring an action to
218 enforce compliance with sections 191.1725 to 191.1740.

219 (2) Sections 191.1725 to 191.1740 shall not be
220 interpreted to deny, impair, or otherwise affect any right
221 or authority of the attorney general, the state, or any
222 agency, officer, or employee of the state, acting under any

223 law other than sections 191.1725 to 191.1740, to institute
224 or intervene in any proceeding."; and

225 Further amend said bill, page 53, section 211.081, line
226 44, by inserting after all of said line the following:

227 "376.1280. 1. For purposes of this section, the
228 following terms mean:

229 (1) "Gender transition procedures", the same meaning
230 given to the term in section 191.1725;

231 (2) "Health benefit plan", the same meaning given to
232 the term in section 376.1350;

233 (3) "Health carrier", the same meaning given to the
234 term in section 376.1350.

235 2. A health carrier or health benefit plan that offers
236 or issues health benefit plans that are delivered, issued
237 for delivery, continued, or renewed in this state on or
238 after January 1, 2023, shall not include reimbursement for,
239 and shall not be required to provide coverage for, gender
240 transition procedures for an individual under eighteen years
241 of age."; and

242 Further amend the title and enacting clause accordingly.